
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Road Traffic (Northern Ireland) Order 2007

PART II

OFFENCES AND ENFORCEMENT

Powers of enforcement

Giving of fixed penalty notices by vehicle examiners

16. Schedule 2 (which makes provision for the giving of fixed penalty notices by vehicle examiners and connected matters) shall have effect.

Extension of powers of vehicle examiners

17.—(1) For Article 180A of the Order of 1981 substitute—

“Powers of vehicle examiners

180A. An examiner appointed under Article 74 of the Order of 1995 may, on production if required of his authority, exercise all such powers as are exercisable by a constable under—

- (a) Article 177(1)(a) and (c); and
- (b) Article 180.”

(2) In Article 75(2) of the Order of 1995 (powers of authorised examiners for purpose of testing vehicles) before paragraph (a) insert—

“(za) may, if he is a person appointed as an examiner under Article 74, and without prejudice to Article 180(1) of the Order of 1981 (power of constable in uniform to require vehicle to stop), require the vehicle to stop;”.

Power of arrest in relation to failure to stop a vehicle

18.—(1) After Article 180(1) of the Order of 1981 (failure to stop for constable in uniform) insert—

“(1A) A constable in uniform may arrest a person without warrant if he has reasonable cause to believe that the person has committed an offence under paragraph (1).”.

(2) In Article 19(1) of the [Police and Criminal Evidence \(Northern Ireland\) Order 1989 \(NI 12\)](#) (power of entry to effect arrest for certain offences) after sub-paragraph (cb) insert—

“(cc) of arresting a person for an offence under Article 180(1) of the Road Traffic (Northern Ireland) Order 1981;”.

(3) This Article has no effect in relation to offences committed before it comes into operation.

Production of certain documents

19.—(1) Article 180 of the Order of 1981 (enforcement powers of constable) is amended as follows.

(2) In paragraph (2)—

- (a) after “certificate of insurance” insert “or certificate of security”;
- (b) in sub-paragraph (b) the words “or other public place” shall cease to have effect; and
- (c) after sub-paragraph (b) insert—

“(ba) in the case of a certificate of insurance or certificate of security, test certificate or goods vehicle test certificate, whom he reasonably suspects to have been involved in an accident in a public place; or”.

(3) In paragraph (4) after “certificate of insurance”, in both places where it occurs, insert “or certificate of security”.

(4) After paragraph (8) insert—

“(9) In this Article “certificate of insurance” and “certificate of security” include any document issued under regulations made by the Department under Article 103 which prescribe the evidence which may be produced in lieu of a certificate of insurance or a certificate of security.”.

Seizure of licences

20. In Article 180 of the Order of 1981 (enforcement powers of constable) after paragraph (3B) insert—

“(3C) If—

- (a) a person is required to deliver his licence and its counterpart to the Department under section 64 of the Crime (International Co-operation) Act 2003 (c. 32) or the Department has—
 - (i) revoked a licence under Article 9, 10 or 15, or
 - (ii) revoked or suspended a large goods vehicle driver’s licence or a passenger-carrying vehicle driver’s licence under Article 73, or
 - (iii) served notice requiring the delivery of a licence to it in pursuance of Article 15C, 19G or 73A, and
- (b) the holder of the licence fails to deliver it and its counterpart to the Department in pursuance of Article 9, 10, 15, 15C, 19G, 73A or 75 or section 64 of the Crime (International Co-operation) Act 2003 (as the case may be),

a constable may require him to produce the licence and its counterpart, and upon their being produced may seize them and deliver them to the Department.”.